



**United States Department of the Interior**  
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September 4, 2007

Instruction Memorandum No. WY-2007-037  
Expires: 9/30/2008

To: Field Managers  
Attn: Wildlife Biologists and Minerals Staffs

From: Associate State Director

Subject: Bald Eagle Delisting Guidance

**Purpose:** This Instruction Memorandum (IM) will provide interim guidance for the management of bald eagles beginning September 4, 2007, until the U.S Fish and Wildlife Service (FWS) issues final management guidance for the bald eagle.

**Policy/Action:** On July 9, 2007, the FWS published the final rule in the Federal Register, removing the bald eagle from the list of endangered and threatened wildlife, effective August 8, 2007. The bald eagle is no longer protected under the ESA, but is still be subject to protection under both the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). The BLM in Wyoming has required management practices designed to minimize or eliminate potential impacts to bald eagles and their habitat on actions authorized by the BLM under the ESA. The National Office of the FWS is developing a process to allow for the "take" of bald eagles under the BGEPA and the Wyoming FWS Field Office is preparing a Bald Eagle Guidelines document specific to the habitat requirements of bald eagles in Wyoming. A deadline has not been established by the FWS for either of these documents.

Until these documents are complete (interim period) to guide the BLM on how to properly manage bald eagles to remain in compliance of the MBTA or the BGEPA, Wyoming BLM will continue to apply protective measures (terms and conditions) found in the Statewide Bald Eagle Programmatic Biological Opinion (BO) at <http://www.blm.gov/wy/st/en/programs/Wildlife/baldeagle.html>, or other valid BOs to safeguard bald eagles and their nesting and roosting habitats when authorizing various actions. IM WY-2004-051, instructed Resource Management Plan Maintenance Actions is taken to incorporate the Statewide Bald Eagle Programmatic BO. When guidance and a BGEPA permitting process are completed by the FWS, additional information will be disseminated.

Questions regarding this IM should be directed to Jeff Carroll, Wyoming BLM State Office, T&E Species Coordinator at (307) 775-6090 (Jeff\_Carroll@blm.gov).

/s/ James K. Murkin  
Acting